

HNDA 3152.1 (2002-110R1)
PATENT**REMARKS**

Applicants respectfully request reconsideration and allowance of all pending claims.

I. Status of Pending Claims

In this Amendment C, claim 1 has been amended to amplify certain embodiments of the present invention, as well as to correct a typographical error therein. Support for the amendment to claim 1 may be found in now canceled claim 4. Additionally, claim 56 has been amended to correct a typographical error therein, the claim now properly depending from claim 55. Accordingly, claims 1-3, 5-15, 19-37 and 39-56 are now pending.

II. Objection - Claim 1

Applicants respectfully point out that claim 1 has been amended to correct the typographical error therein. Specifically, the word "meta" in the forth line of this claim has been amended to the word "metal." Support for this correction may be found, for example, in claim 1, as originally filed.

III. §103 Rejection

Reconsideration is respectfully requested of the rejection of claims 1-3, 7, 8, 14, 15, 19-24, 26-30, 47, 48 and 50-56 under 35 U.S.C. §103 as being obvious in view of French Patent No. 2,315,318 (hereinafter "the French Patent").

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A. Claims 1-3, 7, 8, 14 and 15

Claim 1, from which claims 2, 3, 7, 8, 14 and 15 depend, has been amended herein to include the limitations of dependent claim 4. Inasmuch as claim 4 does not stand rejected in view of the above-noted reference, Applicants respectfully submit claim 1, as well as all claims depending therefrom, are now patentable over this reference. Accordingly, reconsideration of the rejection of these claims is requested.

B. Claims 19-24, 26-30, 47 and 48

With respect to the rejection of the above-noted claims, Applicants note that all of the Office's comments appear to be directed to claim 1 only, and the limitation therein related to allowing at least a portion of the frozen solution formed therein to melt. (See, in particular, the paragraph beginning at the bottom of page 5 and continuing on to page 6 as well as the second paragraph under the heading "Response to Arguments" also on page 6 of the present Office action.)

Accordingly, Applicants again respectfully point out that, as noted in Applicants' Amendment B (dated January 3, 2006), claim 19, from which claims 20-24, 26-30, 47 and 48 directly or indirectly depend, has been amended to include the limitations of dependent claim 38 (now canceled). Furthermore, the Office has never indicated that claim 38 was rejected based on the cited French Patent. (See: (i) the first Office action, dated April 20, 2005 at page 3, paragraph 4, wherein a number of claims, but not claim 38, were rejected under 35 U.S.C. §102 based on this reference; (ii) the second Office action, dated October 3, 2005 at page 4, paragraph 5, wherein a number of claims, but not claim 38, were again rejected based on this reference, this time under 35 U.S.C. §103; and, (iii) the present Office action, wherein no assertions are made that the limitations of claim 38, which are now a part of claim 19, are obvious in view of the cited French Patent.)

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In view of the foregoing, and again as noted in Applicants' Amendment B, Applicants have interpreted the Office's previous failures to reject claim 38 as a reasonable basis to conclude that claim 38 was in fact found to be patentable over the cited French Patent. Inasmuch as claim 19 includes the limitations from claim 38, Applicants further believe it is fair and reasonable to conclude that claim 19 is patentable over the cited French Patent, as well.

Applicants therefore respectfully submit the previous amendment to claim 19 renders the rejection of this claim, as well as claims 20-24, 26-30, 47 and 48 depending therefrom, moot. Withdrawal of the rejection of these claims as obvious in view of the cited French Patent is therefore respectfully requested.

C. Claim 50-56

As noted above, with respect to the present rejection of claims 50-56, the Office's comments appear to be directed to claim 1 only. Accordingly, Applicants again respectfully point out that, as noted in Applicants' Amendment B (dated January 3, 2006), claim 50, from which claims 51-56 depend, is directed to a method for forming a supported metal-containing powder. The method comprises, in relevant part, forming a dispersion of a particulate support in a solution comprising a solvent and a dissolved metal, wherein this **dispersion comprises about 1 to about 30 weight percent of the particulate support.**

In contrast to the method of claim 50, the French Patent **fails to disclose or suggest** a dispersion wherein the concentration of support particles therein is about 1 to about 30 weight percent. In fact, the French Patent makes **no reference** to the concentration of the support particles present in the "paste" prepared therein.

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In view of the foregoing, Applicants respectfully submit the French Patent fails to disclose or suggest all of the elements of claim 50. Accordingly, reconsideration of this rejection is respectfully requested.

In as much as claims 51-56 depend from claim 50, these claims are submitted as patentable over the French Patent for the same reasons as those set forth with respect to claim 50. Additionally, claims 55 and 56 are submitted as patentable over the French Patent because, as previously noted, these claims are directed to a method which is similar to that of claim 31, **which the Office has already effectively indicated is patentable** over the French Patent. More specifically:

- (ii) Claim 55 requires that **the particulate support** present in the dispersion **comprises a pre-deposited material** selected from the group consisting of a pre-deposited metal compound, a pre-deposited metal in its metallic oxidation state, and combinations thereof. As a result, once heat is removed from the dispersion and separation occurs, the resulting powder comprises the particulate support having the pre-deposited metal, as well as a precipitated metal, thereon. In contrast to the method of claim 55, the French Patent makes **no reference** to the use of a particulate support to form a dispersion which has a pre-deposited material thereon. Rather, this patent only references the use of finely divided carbon (see page 2, lines 3 and 12), which the Office has already acknowledged (see the present action at page 5, line 5). As a result, the French patent also makes **no reference** to a powder which comprises a support having a pre-deposited metal, as well as a precipitated metal, thereon.
- (iii) Claim 56, which depends from claim 55, additionally requires that the method comprise **forming an alloy** on the particulate support which comprises metals derived from the pre-deposited material and the

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precipitated metal. The French Patent makes **no reference** to such a method.

In view of the foregoing, Applicants respectfully submit the French Patent fails to disclose or suggest all of the elements of either claim 55 or 56. These claims are therefore respectfully submitted as patentable over this reference.

**IV. Provisional Nonstatutory Double Patenting
Rejection of Claims 1-3, 5-15, 19-37 and 39-56**

Reconsideration of the provisional double patenting rejection of claims 1-3, 5-15, 19-37 and 39-56 in view of claims 1-7, 10-16, 18-23, 31-34, 36, 38, 39, 42 and 44-46 of co-pending application Serial No. 10/777,482 is respectfully requested.

As previously noted in Applicants' Amendment B (dated January 3, 2006), it is Applicants understanding that, consistent with MPEP §804, I., B., a provisional double patenting rejection should be withdrawn, if it is the only rejection remaining in one of the pending patent applications. For the reasons set forth above, Applicants respectfully submit that this provisional double patenting rejection should be the only rejection remaining in this application. Accordingly, Applicants further submit this rejection should be withdrawn, and thus the present application should be allowed.


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CONCLUSION

In view of the foregoing, favorable reconsideration and allowance of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,



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